



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 1654

In re

Patent Application of

Byron E. Anderson

Application No. 10/612,298

Confirmation No.: 5133

Filed: July 2, 2003

Examiner: Thomas Sweeney Heard

“PEPTIDES COMPRISING AROMATIC D-AMINO ACIDS AND METHODS OF USE”

I, Kay Collins, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Signature

April 6, 2006

Date of Signature

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication responds to the Office action mailed March 6, 2006 and is being filed on the due date of April 6, 2006.

The Examiner restricted the claims into eleven groups:

Group I (claims 1-4) drawn to D-peptides, classified in class 514, subclass 2+;

Group II (claims 5-9 and 43-45) drawn to D-peptide library, classified in class 514, subclass 2+;

Group III (claim 10) drawn to an assay for determining if a peptide binds to a preselected protein, classified in class 514, subclass 2+;

Group IV (claim 11) drawn to a method for using the library, classified in class 514, subclass 2+;

- Group V (claims 12-30) drawn to a method of treatment reducing toxicity in a mammal, classified in class 514, subclass 2+;
- Group VI (claims 31 and 32) drawn to a method of reducing the ConA binding, classified in class 514, subclass 2+;
- Group VII (claims 33 and 34) drawn to a method of reducing the binding of GS1-B4, classified in class 514, subclass 2+;
- Group VIII (claims 35 and 36) drawn to a method of reducing the binding of anti-alphaGal, classified in class 514, subclass 2+;
- Group IX (claims 37 and 38) drawn to a method of inhibiting ant-Ley/H, classified in class 514, subclass 2+;
- Group X (claims 39 and 40) drawn to a method of reducing binding of TNF alpha to a TNFalpha receptor, classified in class 514, subclass 2+; and
- Group XI (claims 41 and 42) drawn to a method of reducing the binding of TGFBeta1 to TNFbeta1, classified in class 514, subclass 2+.

In response to this restriction requirement, Applicants provisionally elect the claims of Group II (claims 5-9 and 43-45) with traverse.

There are two criteria for a proper requirement for restriction: (1) the inventions must be independent or distinct as claimed; and (2) there must be a serious burden on the Examiner if restriction is not required (MPEP § 803). Applicants respectfully traverse the restriction requirement because there would be no serious burden on the Examiner if restriction were not required. The Manual of Patent Examining Procedure ("MPEP") states that:

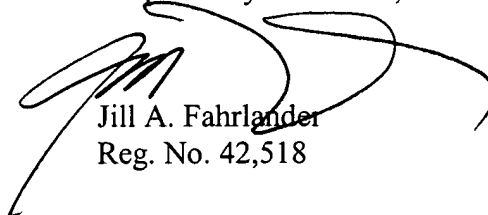
If the search and the examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

MPEP § 803.

Applicants respectfully submit that the methods and compositions of the present invention could be examined together without placing any serious burden on the United States Patent and Trademark Office. In the interest of administrative efficiency, Applicants respectfully request that the restriction requirement be withdrawn.

No fees are believed owing with this submission. Please charge any required fees or credit any overpayment to Deposit Account No. 50-0842.

Respectfully submitted,



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